

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
MDL-NO. 16-2738 (FLW) (LHG)

IN RE: JOHNSON & JOHNSON

TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION

ORAL DEPOSITION OF:
DANIEL L.
CLARKE-PEARSON, MD

VOLUME 2

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FRIDAY, AUGUST 27, 2021

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1 what I list as high-risk factors. So I think we have
2 to look at those factors and come to some conclusion
3 about how many of those factors that patient has.

4 BY MS. BROWN:

5 Q. So do I understand each of your
6 individual reports on each of these plaintiffs
7 contains a list of what you consider to be recognized
8 risk factors for ovarian cancer, right?

9 **A. That's right.**

10 Q. And as I understand what you're saying
11 is that if you looked at a plaintiff's individual
12 file and it turns out that that plaintiff had an
13 overwhelming number of risk factors for ovarian
14 cancer, you may come to the conclusion that talc did
15 not play a role in her ovarian cancer?

16 MS. THOMPSON: Object to form.

17 THE WITNESS: Or didn't play a role or
18 may have had such a minor role that I wouldn't serve
19 as a witness in that particular case.

20 BY MS. BROWN:

21 Q. Okay. And would those type of factors
22 include a woman who was BRCA positive, for example?

23 MS. THOMPSON: Objection.

24 THE WITNESS: It could be one of the
25 high-risk factors.

1 documentation of other things that would have caused
2 ovarian cancer, right?

3 MS. THOMPSON: Objection.

4 THE WITNESS: Would have been a cause
5 of ovarian cancer, yes.

6 BY MS. BROWN:

7 Q. And how does that approach jive with
8 what we know about ovarian cancer, which is that most
9 of the time we don't know what causes it?

10 MS. THOMPSON: Objection.

11 THE WITNESS: I'm not sure I understand
12 what your question is.

13 BY MS. BROWN:

14 Q. I mean I think you would agree that for
15 the most part, aside from genetic mutations, we don't
16 know what causes ovarian cancer, right?

17 MS. THOMPSON: Objection.

18 THE WITNESS: We know things that are
19 causative of ovarian cancer.

20 BY MS. BROWN:

21 Q. But we know some things that in the EPI
22 may increase a woman's risk of ovarian cancer, is
23 that fair?

24 **A. Yes.**

25 Q. But certainly as a respected physician

1 in the field for a long period of time, you are not
2 of the view that scientists completely understand
3 what causes ovarian cancer, right?

4 **A. Yes.**

5 Q. And, in fact, if you look at the
6 percentage of ovarian cancers that we think we can
7 reasonably and scientifically attribute to a known
8 cause, it's a pretty small percentage, right?

9 MS. THOMPSON: Objection.

10 THE WITNESS: I'm not sure exactly how
11 to answer that question.

12 There are areas, in some patients,
13 where it's not clear what might have caused them.
14 They seem to have no risk factors at all and it still
15 happened. If that's what you're saying, then yes, I
16 agree there are patients like that.

17 BY MS. BROWN:

18 Q. I mean, a lot of patients like that,
19 right?

20 MS. THOMPSON: Objection.

21 THE WITNESS: I think you can look at
22 just about every patient and see some risk factor.

23 BY MS. BROWN:

24 Q. But isn't it possible to have a risk
25 factor for ovarian cancer and not get ovarian cancer?

1 BY MS. BROWN:

2 Q. Is it possible in your view, based on
3 your review of Ms. Converse's case, to identify how
4 many other unknown causes of her ovarian cancer were
5 at play in her development of clear cell cancer?

6 A. **Sorry, I didn't quite follow the**
7 **question.**

8 Q. It's a long question.

9 Reorienting us to Ms. Converse, you
10 identified talcum powder as a cause of her ovarian
11 cancer, correct?

12 A. **Yes.**

13 Q. You identified a family history of
14 breast cancer as a cause of her ovarian cancer,
15 correct?

16 A. **Yes.**

17 Q. You have identified one or more unknown
18 factors as causes of her ovarian cancer, correct?

19 MS. THOMPSON: Objection.

20 THE WITNESS: Yes.

21 BY MS. BROWN:

22 Q. Is it possible for you to say how many
23 unknown factors caused Ms. Converse's ovarian cancer?

24 MS. THOMPSON: Objection.

25 THE WITNESS: I would phrase it to say

1 there are other factors that are unknown that add to
2 the other causes that we know she has.

3 BY MS. BROWN:

4 Q. Okay. So you know talc, you know
5 family history of breast cancer, right?

6 Can you say how many unknown factors
7 caused her ovarian cancer?

8 MS. THOMPSON: Objection.

9 THE WITNESS: No.

10 BY MS. BROWN:

11 Q. Do you think it's more than one?

12 MS. THOMPSON: Objection.

13 THE WITNESS: Most likely, because we
14 were talking about several mutations. I've been
15 saying 5 to 10.

16 BY MS. BROWN:

17 Q. So most likely more than one unknown
18 factors were also causes of Ms. Converse's clear cell
19 cancer, correct?

20 A. Yes.

21 Q. And when you look at a picture like
22 that, let's stick with Ms. Converse, you've
23 identified talc, identified the family history of
24 breast cancer, you've identified some unknown
25 factors. Are you able to ascribe a percentage to

1 Q. Not that long ago, right?

2 A. **Several decades ago, so.**

3 Q. And so if you think just
4 percentage-wise, though, of the risk factors -- or
5 the causes of Ms. Converse's clear cell cancer that
6 you've identified, the largest percentage are
7 unknown -- is an unknown factor or unknown factors?

8 MS. THOMPSON: Objection.

9 THE WITNESS: I think hypothetically
10 that would be correct. I think we need 5 to 10
11 mutations. And if you and I are talking about two
12 risk factors that cause mutations, talc and possibly
13 her family history, then there are other things that
14 caused other mutations.

15 BY MS. BROWN:

16 Q. And if you just look at the percentages
17 you do know, right, that talc, in your mind, would
18 have contributed 30 percent to her clear cell cancer,
19 right?

20 MS. THOMPSON: Objection.

21 THE WITNESS: Yes.

22 BY MS. BROWN:

23 Q. Family history, we're not sure of what
24 that number is, right?

25 A. **Yes.**

1 Q. But you don't think it's more than 20
2 percent, right?

3 MS. THOMPSON: Objection.

4 THE WITNESS: Given the fact that she's
5 had gene testing and doesn't carry any recognized
6 genes that contribute to ovarian cancer or breast
7 cancer.

8 BY MS. BROWN:

9 Q. Right.

10 So if talc contributed 30 percent, if
11 family history contributed less than 20 percent, then
12 at least half of Ms. Converse's ovarian cancer was
13 caused by something we don't know about?

14 MS. THOMPSON: Objection.

15 THE WITNESS: In addition to the talc
16 and in addition to the possible ovarian cancer, there
17 are other factors that we don't know about.

18 BY MS. BROWN:

19 Q. Right.

20 But I'm just saying in Ms. Converse's
21 case, percentage-wise, the factors that we don't know
22 about contributed at least 50 percent to her ovarian
23 cancer, correct?

24 MS. THOMPSON: Objection.

25 THE WITNESS: In this hypothetical

1 situation, those numbers would be correct.

2 BY MS. BROWN:

3 Q. And the reason this is hypothetical is
4 because we don't know the percentage that the family
5 history of breast cancer contributed, is that right?

6 MS. THOMPSON: Objection.

7 THE WITNESS: That's part of it.

8 BY MS. BROWN:

9 Q. Well, what else is part of it?

10 **A. Well, that would be the biggest part.**
11 **We don't know anything else that is a risk factor.**

12 Q. Okay. Let's -- that was helpful.

13 Thanks, Doctor.

14 Let's go back to your letter.

15 What got us off on this explanation was
16 a paragraph where you were telling the folks at SGO
17 that talcum powder increases a woman's chance of
18 developing epithelial ovarian cancer by 20 to 60
19 percent. And it sounds like you're now of the view
20 that talcum powder causes a woman's ovarian cancer by
21 approximately 30 percent?

22 MS. THOMPSON: Objection.

23 THE WITNESS: Is a cause.

24 BY MS. BROWN:

25 Q. Okay.

1 **those two go hand in hand.**

2 **Other risk factors, in fact, I think**
3 **there are a number of factors that should have**
4 **reduced her risk, use of birth control pills, three**
5 **pregnancies. So nothing else that I see here that**
6 **would increase her risk.**

7 Q. So would you agree then that there was
8 a large percentage of the cause of Ms. Newsome's
9 endometrioid ovarian cancer that we don't know what
10 it was?

11 MS. THOMPSON: Objection.

12 THE WITNESS: That's similar to what
13 we've been talking about earlier today, that there
14 are factors that we don't know today that cause
15 mutations that in aggregate result in cancer.

16 BY MS. BROWN:

17 Q. Was, in your opinion, was there an
18 unknown cause or causes of Ms. Newsome's endometrioid
19 cancer?

20 MS. THOMPSON: Objection.

21 THE WITNESS: I think, as we were just
22 saying, if you're paraphrasing what I think you just
23 said, which is that there are some causes that we
24 don't recognize today as what causes those mutations.
25 We do know that talc does, though.

1 BY MS. BROWN:

2 Q. But is your opinion that we talked
3 about this morning the same for Ms. Newsome that in
4 your opinion talc alone did not cause her ovarian
5 cancer?

6 MS. THOMPSON: Objection.

7 THE WITNESS: It was a cause of her
8 ovarian cancer.

9 BY MS. BROWN:

10 Q. In your opinion, talc alone was not
11 enough to cause her ovarian cancer, correct?

12 MS. THOMPSON: Objection.

13 THE WITNESS: That would be my belief.

14 BY MS. BROWN:

15 Q. In your opinion, even talc plus her age
16 alone was not enough to cause Ms. Newsome's ovarian
17 cancer, correct?

18 MS. THOMPSON: Objection.

19 THE WITNESS: Yes, that's correct.

20 BY MS. BROWN:

21 Q. In your opinion, the majority of the
22 cause of Ms. Newsome's ovarian cancer is unknown?

23 MS. THOMPSON: Objection.

24 THE WITNESS: I'm not sure what the
25 majority is, but there are unknown portions of the

1 mutations that occurred.

2 BY MS. BROWN:

3 Q. Well, if we know, according to your
4 opinion, that talc was approximately 30 percent the
5 cause of her ovarian cancer, right?

6 MS. THOMPSON: Objection.

7 THE WITNESS: Looking at epidemiology,
8 30 percent is looking at a whole population, so I
9 don't know specifically for an individual person.

10 BY MS. BROWN:

11 Q. So you actually don't know how much the
12 unknown factors, in Ms. Newsome's case, the unknown
13 causative factors contributed to cause Ms. Newsome's
14 ovarian cancer, true?

15 MS. THOMPSON: Objection.

16 THE WITNESS: Yes.

17 BY MS. BROWN:

18 Q. Is it your opinion that had Ms. Newsome
19 not used talcum powder, she would not have developed
20 ovarian cancer?

21 MS. THOMPSON: Objection.

22 THE WITNESS: Yes.

23 BY MS. BROWN:

24 Q. That's your opinion?

25 A. **That's my opinion.**